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Attorneys for Plaintiff JENS ERIK SORENSEN,
as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff

v.

SENCO PRODUCTS, INC., an Ohio
corporation; and DOES 1 – 100,

Defendants.

and related counterclaims.

) Case No. 08cv00071 BTM CAB

)

) **NOTICE OF MOTION AND**
) **PLAINTIFF'S MOTION FOR**
) **EXCEPTION TO STAY TO**
) **PRESERVE EVIDENCE**

)

) Date: August 8, 2008
) Time: 11:00 a.m.
) Courtroom 15 – 5th Floor
) The Hon. Barry T. Moskowitz

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) *Oral Argument Has Been Respectfully*
) *Requested by Plaintiff*

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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD

2 PLEASE TAKE NOTICE that on August 8, 2008, at 11:00 a.m. or as soon
3 thereafter as this matter may be heard before the Honorable Barry T. Moskowitz,
4 Plaintiff Jens Erik Sorensen, as Trustee of Sorensen Research & Development Trust,
5 will move and hereby does move this Court for an order granting Plaintiff's Motion
6 for Exception to Stay to Preserve Evidence.

7 This motion is made on the following grounds:

8 1. Plaintiff believes the preservation of evidence is necessary and that
9 delay until completion of the '184 patent reexamination creates the risk of loss of
10 evidence;

11 2. Defendants are unwilling to informally agree to the relief requested.
12

13 DATED this Monday, June 09, 2008.

14
15 JENS ERIK SORENSEN, as Trustee of
16 SORENSEN RESEARCH AND DEVELOPMENT
TRUST, Plaintiff

17
18 /s/ Melody A. Kramer

19 Melody A. Kramer, Esq.

20 J. Michael Kaler, Esq.

21 Attorneys for Plaintiff
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PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Monday, June 09, 2008, I served the following documents:

**NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR EXCEPTION TO
STAY TO PRESERVE EVIDENCE**

**PLAINTIFF'S MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT
OF MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE**

**DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S
MOTION FOR EXCEPTION TO STAY TO PRESERVE PHYSICAL EVIDENCE**

| PERSON(S) SERVED | PARTY(IES) SERVED | METHOD OF SERVICE |
|---|--------------------------|---|
| Roger G. Perkins, Esq rperkins@mpplaw.com MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101 | Senco Products, Inc. | Email - Pleadings Filed with the Court via ECF |
| Angela Kim akim@mpplaw.com MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101 | Senco Products, Inc. | Email - Pleadings Filed with the Court via ECF |
| Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611 rmallin@brinkshofer.com | Senco Products, Inc. | Email - Pleadings Filed with the Court via ECF |

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(Personal Service) I caused to be personally served in a sealed envelope hand-delivered

1 to the office of counsel during regular business hours.

2 ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a
3 sealed envelope containing a true copy of the foregoing documents with fees fully
4 prepaid addressed to the above noted addressee for overnight delivery.

5 ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by
6 facsimile machine to the above noted addressees. The facsimile transmissions were
7 reported as complete and without error.

8 ☐ (Email) I emailed a true copy of the foregoing documents to an email address
9 represented to be the correct email address for the above noted addressee.

10 ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed
11 this document via the CM/ECF system for the United States District Court for the
12 Southern District of California.

13 ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address
14 represented to be the correct mail address for the above noted addressee.

15 I declare that the foregoing is true and correct, and that this declaration was executed on
16 Monday, June 09, 2008, in San Diego, California.

17 /s/ Melody A. Kramer

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19 Melody A. Kramer
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